

Remarks

The Examiner is thanked for the Office Action mailed 02/13/2002 (request for a 1-month extension to respond, enclosed). It is noted that claims 1-28 were originally canceled upon filing of the present divisional application (see "Other Amendments" section in the Request for a Continuing Application form filed with the divisional application). New claims 34, 35 (both dependent upon claim 39) are now being added. Therefore, only claims 29-35 are now pending in the present application. Claims 32, 33 were withdrawn from consideration by the Examiner as being drawn to a non-elected invention. However, for the reasons discussed below those claims should be considered in the present application.

The Examiner raises the restriction requirement between Group I (claims 1-28), Group II (claims 29-31), and Group III (claims 32-33). As mentioned, claims 1-28 were previously canceled and therefore only Groups II and III remain. The election of Group II (claims 29-31, and new dependent claims 34, 35) is affirmed. However, the restriction requirement is respectfully traversed for either one of two reasons.

First, the Examiner states that Group II is an intermediate product apparatus deemed to be useful as making the computer program product of Group III. However, Group II is for an apparatus for fabricating an addressable array which includes a deposition system and a processor which operates the deposition system to form the array in accordance with the recited procedure. Group III is for a computer program product which when loaded into the computer of an apparatus for fabricating an addressable array, derives a drive pattern for operating a deposition system of the apparatus in accordance with the recited procedure (the procedure of (i) to (iii) of claim 32 being the same as that of claim 29). Accordingly, the apparatus of Group II is useful to make an array, and is not useful in making a computer program product as alleged by the Examiner. It is also noted that if the computer program product of Group III was instead considered the intermediate there is no showing that such a computer program product would be useful other than to make an apparatus of Group II. Accordingly, it is submitted that the restriction between Groups II and III should be withdrawn for this reason alone.

Second, in addition to the above MPEP 803 notes a basic tenet of any restriction requirement:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

In the present case, given that Group III computer program products execute a method which may be executed by an apparatus of Group II, the Examiner would still need to search in art relating to Group III since that same art would likely be pertinent to the Group II apparatus. Accordingly, for this additional reason the restriction between Groups II and III should be withdrawn.

Turning now to the rejections, the Examiner first rejected claims 29-31 under 35 U.S.C. 112, second paragraph, as being indefinite for the use of the phrase "biomonomer monomer" and the use of "including" or "includes". The foregoing claims have been amended to delete the occurrence of "monomer" following "biomonomer" and to change "including" or "includes" to "comprising" or "comprises". The foregoing amendments do not alter the scope of the claims. Accordingly, it is believed this rejection of claims 29-31 should now be withdrawn.

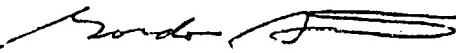
The Examiner noted that there were no art rejections to claim 31 and accordingly claim 31 has also been amended to recite the limitations of claims 29 and 30 (with the clarifying changes to the "biomonomer monomer" and "including" or "includes" language, as already discussed above). Accordingly, claim 31 should now be in condition for allowance.

Claims 29, 32 have also been amended to re-arrange the last paragraph up to and including (i). These changes are for clarity only. Those claims have further been amended to now include (ii) which recites allowing sufficient time for evaporation to leave solid activator at each region and (iii) the actual depositing of the biomonomer.

The Examiner rejected claims 29, 30 under 35 U.S.C. 102(b) as being anticipated by Baldeschwieler et al. (WO 95/25116). However, nothing in Baldeschwieler et al. discloses an apparatus with a processor which "allow(s) sufficient time for evaporation to leave the solid activator at each region" and then deposits the biomonomer. Accordingly, this rejection should now be withdrawn. Note that claim 32 (and dependent claim 33) has been similarly amended.

In view of the above amendments and discussion, it is believed claims 29-35 should now be in condition for allowance. If the Examiner is of the view that there are any outstanding issues which might be resolved by means of a telephone conference, he is invited to call Gordon Stewart at (650)485-2386.

Respectfully submitted



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